

Absent—Excused

Ratliff Wagonseller

Question next on the motion to adjourn until 2:00 o'clock p. m. on Monday, April 11, 1955, the motion prevailed.

Accordingly, the Senate at 11:45 o'clock a. m. adjourned until 2:00 o'clock p. m. on Monday, April 11, 1955.

Record of Votes

Senators Colson, Phillips and Willis asked to be recorded as voting "Nay" on the motion to adjourn.

FORTY-FIFTH DAY

(Monday, April 11, 1955)

The Senate met at 2:00 o'clock p. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
Moffett	Weinert
Moore	Willis

Absent

Hazlewood Lane

Absent—Excused

Fuller McDonald

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, we thank Thee for the glorious message and meaning of Easter. Teach us that the enemies did not kill Christ; but that He still lives in the lives of multiplied millions. Fix our faith and affections on the fact that His truth will ultimately triumph. In His name we pray. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 7, 1955, were dispensed with and the Journal was approved.

Leaves of Absence

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Shireman.

Senator McDonald was granted leave of absence for today on account of important business on motion of Senator Martin.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 11, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. 82, Paying tribute to the Honorable Sam Rayburn of Texas.

H. B. No. 80, A bill to be entitled "An Act amending Sections 61, 62, and 187 of the Election Code of the State of Texas (codified as Articles 6.05, 6.06 and 13.09 in Vernon's Texas Election Code) so as to eliminate provisions for alternate methods of marking ballots and so as to provide that the scratch method shall be the method for marking ballots; changing certain provisions relative to voting for write-in candidates; and declaring an emergency."

H. B. No. 191, A bill to be entitled "An Act requiring a special audit of county records in any county upon a petition of at least thirty per cent (30%) of the qualified voters of the county; providing for the employment of an auditor for such special audits; providing for qualifications; duties and compensation; requiring such audit to be filed with the district court having jurisdiction in the county and the State Auditor; providing this Act shall be cumulative and declaring an emergency."

H. B. No. 291, A bill to be entitled "An Act making it a misdemeanor for any person to enter the premises of another for the purpose of looking

into any structure at any person without consent; prescribing a penalty; defining terms; containing a separability clause; and declaring an emergency."

H. B. No. 405, A bill to be entitled "An Act amending Section 3 of House Bill 579, Chapter 412, Acts of the 53rd Legislature, Regular Session, 1953, so as to provide for additional Directors for the District; amending Sec. 13(a) so as no longer to restrict dam construction to locations within Anderson and Cherokee Counties only, and to provide the District with authority to develop underground sources of water where feasible and necessary in the conduct of its affairs; amending Sec. 13(c) so as no longer to restrict the District's power to acquire property by condemnation within Anderson and Cherokee Counties only, and to provide the District with authority to condemn property to the extent and in the manner set forth and permitted by general law with respect to any project which has been approved by the State Board of Water Engineers; amending Sec. 13(o) so as to provide that if the District shall undertake to pledge the proceeds of water contracts with its constituent cities to the payment of revenue supported bonds it shall not be obligated to construct any facility to any constituent city which fails to so contract; amending Section 31 so as no longer to restrict the District's powers to the territory situated within Anderson and Cherokee Counties only and to provide that the rights of eminent domain shall be limited only to the extent provided in Section 13(c); validating acts of the Board of Directors of the District; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 103, A bill to be entitled "An Act amending Article 21.11 of the Insurance Code by adding to such Article a provision to allow Texas Local Recording Insurance Agents to divide commissions, within certain limits, with Licensed Non-Resident Insurance Agents; defining Licensed Non-Resident Insurance Agents; providing for cancellation of Non-Resident Insurance Agents license; providing for the licensing and supervision of such non-resident agents; and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act amending Article 1034 of

the Texas Penal Code, providing a saving clause, and declaring an emergency."

H. B. No. 344, A bill to be entitled "An Act amending Section 3 of Article 5221-c, Title 83 of the Revised Civil Statutes of the State of Texas, exempting certain boilers within the city limits of cities having a population of 250,000, or over, from inspection, inspection fees, etc., and declaring an emergency."

H. B. No. 354, A bill to be entitled "An Act amending Section 106 (a) and Section 106 (a) Paragraphs 1 and 5 of Article 6701d, being the uniform Act regulating traffic on highways used in the actual harvesting and transporting of certain vegetables from the fields to a packing or precessing plant; and declaring an emergency."

H. B. No. 134, A bill to be entitled "An Act amending Section One of House Bill No. 23, Fifty-third Legislature, Regular Session, to provide for the deposit of certain Funds and Fees to the Special Department of Agriculture Fund in the State Treasury; providing for an effective date of this Act; providing a saving clause; and declaring an emergency."

H. B. No. 288, A bill to be entitled "An Act authorizing the creation of districts for the control and eradication of noxious weeds, defining noxious weeds; providing for the method of the creation and organization of such districts and regulating the functions, duties and powers of the officers and directors of such districts; providing the methods of appointing officers and directors of such districts; providing for their compensation and expenses; providing for filling of vacancies of officers and directors of such districts; providing for the appointment and compensation of inspectors; providing for the enforcement of the orders of the Board of Directors of such districts, and declaring an emergency."

H. B. No. 446, A bill to be entitled "An Act prohibiting the sale of fish or minnows taken from Lake Lavon in Collin County; providing a penalty; repealing all laws in conflict; and declaring an emergency."

H. B. No. 466, A bill to be entitled "An Act authorizing and directing

the Board for Texas State Hospitals and Special Schools to sell certain land located near Abilene State Hospital in Taylor County, Texas, for cash at public auction or private sale; providing that said land shall be sold with a reservation of one-half ($\frac{1}{2}$) of the mineral royalty; authorizing the Executive Director of said Board to execute and deliver the necessary conveyance to be approved by the Attorney General; and declaring an emergency."

H. B. No. 554, A bill to be entitled "An Act amending Chapter 304, Acts, 50th Leg., R. S., 1947, as amended; including within the provisions thereof projects as therein defined extending from counties issuing bonds into other counties and making provisions relating thereto; providing certain additions and changes and repealing certain provisions relating to projects as therein defined; providing a severability clause; repealing laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act validating Willacy County Navigation District; validating all bonds heretofore issued by said District and proceedings relating thereto; validating governmental proceedings relating to said District performed by Willacy County Commissioners' Court, and the District's Board of Navigation and Canal Commissioners and other officers; providing that this Act shall not apply to certain pending litigation; containing a severability clause; and declaring an emergency."

H. B. No. 631, A bill to be entitled "An Act amending Section 2 of Senate Bill No. 171, Acts of 1951, page 819, Chapter 465, as amended, relating to the Statement of Facts in a criminal proceeding so as to provide that the defendant may preserve in the Statement of Facts or by informal bill of exception certain objections; repealing Section 3 of such Act; and declaring an emergency."

H. B. No. 485, A bill to be entitled "An Act amending House Bill No. 420, Acts, Regular Session of the Forty-seventh Legislature, 1941, page 893, Chapter 551, by amending Section 2 thereof, providing for a classification of 'primary noxious weed seeds' and 'secondary noxious weed seeds'; and by amending Section 3

thereof as amended by House Bill No. 100, Acts, Regular Session of the Fifty-third Legislature, 1953, page 744, Chapter 292, providing that primary and secondary noxious weed seeds be shown at a rate per pound; and by amending Section 4 thereof, providing for a nine-month period within which a germination test must have been completed on agricultural or vegetable seed entering commerce; providing a saving clause; and declaring an emergency."

H. B. No. 558, A bill to be entitled "An Act authorizing the leasing for minerals of all or any part of the Public Lands of the State in and under and adjacent to Caddo Lake and the tributaries thereto by the Commissioner of the General Land Office in accordance with the provisions of existing or future laws pertaining to the leasing and development of all islands, salt water lakes, bays, inlets, marshes and reefs, owned by the State within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, and all unsold public free school land, both surveyed and unsurveyed, in so far as same are not in conflict with the provisions of this Act; providing that development on such lands shall be conducted so far as practicable to prevent pollution and authorizing the Commissioner of the General Land Office, with the advice and assistance of the Game and Fish Commission, to prescribe and enforce rules and regulations for that purpose; repealing all laws or parts of laws, special or general, to the extent of any conflict herewith; providing a savings clause; and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution comprising certain territory contained in Tarrant County, Texas, to be known as 'Benbrook Water and Sewer Authority,' for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing, transporting, and distributing the same and providing plants and facilities for the collection, transportation, processing, disposal and control of all domestic, industrial and communal wastes; providing for a board of directors for the government of said authority; authorizing the authority to do all things neces-

sary to the exercise of the powers herein granted; authorizing the issuance of bonds and providing for payment and security thereof; making applicable to the District Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and certain general laws relating to water control and improvement districts; prescribing the other powers of the authority; providing a saving clause; enacting other provisions relating to this subject; and declaring an emergency."

H. B. No. 565, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office for the State of Texas to sell Public Free School Land situated in El Paso County, Texas, to the City of El Paso, Texas."

H. B. No. 632, A bill to be entitled "An Act enlarging, extending, and redefining the boundaries of Bell County Water Control and Improvement District No. 1; granting additional power and authority to said District; providing that certain provisions of the general law shall not apply to said district and prescribing certain procedure in regard to bond elections and the cancellation of the authority to issue bonds heretofore voted; validating the creation and organization of said District; providing that this Act shall be cumulative but shall control over the laws in conflict; providing a severability clause; and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act prohibiting the use of electricity-producing apparatus in fishing; providing a penalty for violation; making possession of such apparatus in certain circumstances prima facie evidence of a violation of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 634, A bill to be entitled "An Act amending Article 2550 of the Revised Civil Statutes of Texas, 1925, as amended, relating to selection of county depositories, by requiring the Commissioners Court to select a depository within the county if a bidding bank located in the county is able to make the requisite bond; and declaring an emergency."

H. B. No. 653, A bill to be entitled "An Act to amend Section 1, subdivision (1) and Sections 2 and 4 of

Acts of the Forty-ninth Legislature, 1945, Chapter 293, at page 463, relating to protected Assignments of Accounts Receivable regardless of whether such accounts are in existence at the time notice of assignment is filed; defining 'Account' or 'Account Receivable'; providing for the form and filing of notices relating thereto; providing for the filing, cancellation, satisfaction, and release of such notice; and providing the duties and fees of the County Clerk in connection therewith; providing that the recording of such notices shall constitute constructive notice regardless of whether the contract out of which the accounts arose was in the contemplation of the assignor and assignee when the notice of assignment was executed; and declaring an emergency."

H. B. No. 662, A bill to be entitled "An Act defining shellfish; regulating the sale thereof; providing penalties; and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act amending House Bill 705, Acts of the 51st Legislature, Regular Session, 1949, Chapter 538, Page 988, by amending Sections 4 and 5; providing for a fifteen (15) member Board and for the appointment thereof; clarifying and extending functions of the Executive Committee; providing a repealing clause, a saving clause, and declaring an emergency."

H. B. No. 668, A bill to be entitled "An Act relating to the regulation of the wildlife resources of certain counties of the State; amending Sections 1, 8, and 14 of Chapter 125, Acts of the 52nd Legislature, 1951, by adding Bell, Bosque, Coryell, Hill, Johnson, McLennan and Somervell Counties to the list of counties subject to its provisions, by changing the number of members of the Game and Fish Commission constituting a quorum for the adoption of orders, rules and regulations thereunder, and by changing the provisions for forfeiture of licenses to conform to Article 893 of the Penal Code of Texas, 1925, as amended; repealing certain laws; providing for the operative date of this Act; providing for severability; and declaring an emergency."

H. B. No. 672, A bill to be entitled "An Act to amend Sec. 6A(e), Chapter 295, Acts of the Regular Session of the 49th Legislature, 1945, codified as Article 4437a, Sec. 6A(e) of Vernon's Civil Statutes of the State

of Texas, by adding thereto a provision defining the term 'bona fide residents of the county' as therein used; and declaring an emergency."

H. B. No. 668, A bill to be entitled "An Act authorizing certain cities to issue refunding bonds due serially and bearing interest as provided in this Act for the purpose of refunding outstanding bonds which do not mature in annual installments; providing that, in lieu of exchanging such refunding bonds, they may be sold and the proceeds deposited in the bank where the outstanding bonds are payable; providing that when such serial refunding bonds are approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts they shall be incontestable and shall constitute valid and binding obligations of such city; providing that no city charter provision relating to the terms, issuance, sale and delivery of bonds shall be applicable to bonds issued under this law; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 678, A bill to be entitled "An Act amending Article 591, Code of Criminal Procedure, of Texas, 1925, so as to specify the manner of drawing names for a special venire from the jury wheel; specifying the manner of preparation of the list of such names and the method of preserving such lists and providing for the return of certain names to the jury wheel; providing for severance of any part of this Act held invalid; and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act to amend Chapter 258, Acts of the Regular Session of the 49th Legislature (Vernon's Texas Civil Statutes, Article 1015g) pertaining to the acquisition, control and operation of toll bridges by cities and towns, enacting other provisions related to the subject; and declaring an emergency."

H. B. No. 682, A bill to be entitled "An Act providing that no action shall be brought against any employer upon any assignment of wages by an employee unless such employer has written notice thereof and assents to such assignment in writing; providing a savings clause; providing a repealing clause; and declaring an emergency."

H. B. No. 696, A bill to be entitled "An Act amending Sections 3, 4 and 9 of Chapter 90, Acts of the Forty-ninth Legislature, Regular Session, 1945, regulating and governing Boards for certain Navigation Districts in this State; providing for and regulating the method and manner of making contracts; and declaring an emergency."

H. B. No. 697, A bill to be entitled "An Act authorizing the Governing Boards of Navigation Districts in this State heretofore or hereafter created under the laws of this State and having within its limits a city containing 375,000 population or more according to the latest preceding or any future Federal Census to make exchange of lands or sales pursuant to exchange of lands; making the provisions hereof cumulative of the provisions of subsection (b) and (c) of the Acts of the Forty-fourth Legislature, Regular Session, 1935, Chapter 134; providing that if any part of this Act be held unconstitutional, it will not affect the remainder hereof; and declaring an emergency."

H. B. No. 701, A bill to be entitled "An Act authorizing Lower Colorado River Authority to issue Bonds not to exceed sixty-five million (\$65,000,000.00) Dollars in aggregate principal amount, repealing that portion of the Lower Colorado River Authority Act limiting amount of Bonds which may be issued by such District to fifty million (\$50,000,000) Dollars and all other laws in conflict herewith; and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act creating Sulphur River Municipal Water District, a Conservation District under Article XVI, Section 59, of the Constitution, comprising the territory contained within the cities of Cooper, Commerce and Sulphur Springs, for the purpose of providing a source of water supply for Municipal, Domestic and Industrial use and processing and transporting the same; and for providing sewage disposal facilities as an aid to conservation of water; providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said district; authorizing the district to do all things necessary to make available for municipal and industrial uses, the water from the Cooper Dam and Reservoir, which has been recommended for construction by the

United States Government on South Sulphur River or from any other dams which may be constructed in lieu thereof, pursuant to such rights as the district may acquire in such reservoir, water from underground sources, and water it may obtain by purchase, lease and operation contracts with cities, persons, firms, corporations and public agencies of the United States Government; permitting sale of surplus water for irrigation purposes; authorizing the issuance of bonds and providing for the payment and security thereof; prescribing conditions under which cities may withdraw from the district; making applicable to the district Title 52 relating to eminent domain and certain general laws relating to water control and improvement districts; prescribing other powers of the district; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 758, A bill to be entitled "An Act amending Article 3266, Section 3, Revised Civil Statutes of the State of Texas, providing that Commissioners shall receive for their services Ten (\$10.00) Dollars for each day engaged in the performance of duties and providing that in counties of over five hundred thousand (500,000), the County Judge may set the fee of the Commissioner at any amount he may determine reasonable, not less than Fifteen (\$15.00) Dollars, and providing that Commissioners may withhold their decision until their fees are paid; and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution, comprising the territory hereinafter described and situated within Haskell County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said district; authorizing the district to do all things necessary to make available for municipal, domestic and industrial uses, the water from underground sources, and water it may obtain by purchase, lease and operation contracts with cities, persons, firms, corporations and public agencies; authorizing the issuance of bonds and providing for the payment

and security thereof; making applicable to the district Title 52 relative to eminent domain and certain general laws relating to water control and improvement districts; requiring the district to bear the expense of relocation or other change in certain facilities; prescribing the other powers of the district; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 814, A bill to be entitled "An Act defining the term 'issuer' as used in this Act; authorizing an issuer to make deposits, plus handling charges, with the State Treasurer to provide for redemption of outstanding obligations at maturity or at call date where lawfully called for redemption; providing for the issuance, approval, registration and sale of refunding bonds of issuers where all or part of the obligations being refunded are not surrendered by the holders for cancellation; prescribing the duties of the State Treasurer and State Comptroller; providing for disposition of such deposits; repealing inconsistent or conflicting provisions of other laws; and declaring an emergency."

H. B. No. 867, A bill to be entitled "An Act to amend Article 105 of the Penal Code of Texas, 1925, by adding provisions permitting officials of counties of 800,000 or more population to dispense with quarterly reports required by this article when such moneys and fees to be reported are on deposit with the county treasurer and subject to withdrawal only by warrants approved by the county auditor, and requiring such items to be made a part of the annual reports of fees; and declaring an emergency."

H. B. No. 855, A bill to be entitled "An Act authorizing cities which have adopted their charters under Article 11, Section 5, of the Constitution of Texas to abandon airport lands and properties for airport purposes, owned by such cities when same are no further needful for airport purposes, and to dispose of, lease for oil, gas and mineral exploration and development, or to sell such properties, or any part thereof, or to use such properties for any other useful purpose, and to use the proceeds therefrom for any needful municipal purposes; provided that this Act shall apply only to such cities located in counties having a

population of not less than 150,000 and not more than 250,000 according to the last preceding Federal census; and declaring an emergency."

H. B. No. 863, A bill to be entitled "An Act constituting a local law for the maintenance of Public Highways for Dallas County, to become operative after an election shall have been held and carried in said County; authorizing the tax collector of Dallas County to collect certain amounts of money from owners of such vehicles; etc., and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 395 on First Reading

Senator Latimer moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
Moffett	Weinert
Moore	Willis

Absent

Hazlewood	Lane
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Absent—Excused

Fuller	McDonald
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Latimer:

S. B. No. 395, A bill to be entitled "An Act establishing as permanent District Courts, the Special 37th District Court and the Special Criminal District Court of Bexar County, here-

tofore established as temporary District Courts under the provisions of Senate Bill 21, Acts of the 53rd Legislature, First Called Session, 1954, Chapter 51; prescribing the terms and jurisdiction of said Courts; adjusting the terms, jurisdiction and business of the District Courts of Bexar County; providing that the Judges of the Special 37th District Court and the Special Criminal District Court of Bexar County shall continue to hold the office of Judge of said Courts for the terms for which they were elected and until their successors qualify; providing for the appointment, designation and compensation of other officers of the District Courts of Bexar County; providing for methods of election of juries; making other provisions relative to the business and functioning of the District Courts of Bexar County; amending Article 52-161 of the Code of Criminal Procedure of Texas, 1925, as amended, as the same relates to and provides for the Criminal District Courts of Bexar County; amending Article 199 of the Revised Civil Statutes of Texas, 1925, as amended, as the same relates to and provides for the District Courts of Bexar County, Texas; appropriating the unexpended balances of moneys appropriated by the provisions of Section 6 of Article III of Senate Bill 21, Acts of the 53rd Legislature, First Called Session, 1954, Chapter 51, for the payment of the salaries of the Judges of the District Courts made permanent by this Act and Judges of the District Courts created by the provisions of Chapter 51, Acts of the 53rd Legislature, First Called Session; providing a severability clause; providing a repealing clause; and declaring an emergency."

To the Committee on Judicial Districts.

Senate Bill 396 on First Reading

Senator Martin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Ashley
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Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
Moffett	Wagonseller
Moore	Weinert
Owen	Willis

Absent

Hazlewood	Lane
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Absent—Excused

Fuller	McDonald
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 396, A bill to be entitled "An Act providing that the current appropriation to the Court of Criminal Appeals for equipment, law books, and other property may be used for other operating expenses of the Court during the fiscal year ending August 31, 1955."

To the Committee on Finance.

Senate Bill 397 on First Reading

Senator Lock moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller

McDonald

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lock:

S. B. No. 397, A bill to be entitled "An Act to amend Subsections A(5), A(6), A(9), B(3), B(4), D(4a) and adding paragraph (10) to Subsection B of House Bill 162, Acts, 51st Legislature, Regular Session, 1949, Chapter 306, Page 559, so as to amend the definition of a 'subdivision of an underground water reservoir,' contained in said Subsection A(5); to add an additional definition of waste to said Subsection A(6); to amend Subsection A(9) dealing with the exclusion of grazing land while water is being produced only for domestic and stock raising purposes; to authorize underground water districts to require permits for the drilling, equipping and/or completion of water wells, as set forth in said Subsection B(3); to authorize spacing of water wells and regulate production therefrom as set forth in Subsection B(4); to authorize use of certain wells as provided in said Subsection D(4a); to add an additional paragraph to said Section B to authorize suits by landowners to enjoin and to recover damages and other relief for violation of district rules and regulations; fixing venue for such action, and providing that such remedies shall be cumulative; to add an additional paragraph to Section D, making the provisions of this Act and the rules and regulations promulgated hereunder applicable only within the area designated by the Board of Water Engineers as a reservoir or a subdivision thereof over which a district shall have been organized; and providing a savings clause; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

Senate Resolution 210

Senator Rogers of Travis offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Mr.

J. S. A. Smith of Los Angeles, California, who is the guest of Mrs. Alice Conley, our assistant calendar clerk; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized; and that he be extended the official welcome of the Senate and the courtesies of the floor for the day.

The resolution was read and was adopted.

Senator Rogers of Travis, by unanimous consent, presented Mr. Smith to the Members of the Senate.

Senate Resolution 211

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Mr. and Mrs. O. P. Ford of Fabens, Texas; and

Whereas, These guests are outstanding citizens of South West Texas; now, therefore, be it

Resolved, That these visitors be officially welcomed; and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senator Wagonseller, by unanimous consent, presented Mr. and Mrs. Ford to the Members of the Senate.

Senate Resolution 212

Senator Lock offered the following resolution:

Whereas, The people of the historic city of Nacogdoches have just completed a new, modern hotel; and

Whereas, This hotel was planned and financed by citizens and former citizens of Nacogdoches County; and

Whereas, This edifice will stand as a monument to this generation of Nacogdoches people, evidencing a continuation of the progressive, pioneer spirit of their forefathers; now, therefore, be it

Resolved, by the Senate of the State of Texas, That the people of Nacogdoches be congratulated upon this accomplishment.

The resolution was read and was adopted.

House Bill 162 on Third Reading

Senator Rogers of Travis asked unanimous consent to suspend the regular order of business and that H. B. No. 162 be placed on its third reading and final passage.

There was objection.

Senator Rogers of Travis then moved to suspend the regular order of business and that H. B. No. 162 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Aikin	Parkhouse
Ashley	Phillips
Bracewell	Ratliff
Colson	Roberts
Fly	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
Lock	Willis
Owen	

Nays—8

Corbin	Moore
Hardeman	Shireman
Martin	Wagonseller
Moffett	Weinert

Absent

Hazlewood

Absent—Excused

Fuller

McDonald

The President laid before the Senate on its third reading and final passage the following bill:

H. B. No. 162, A bill to be entitled "An Act to amend Subsection 8 (a) of Chapter 88, Acts, Second Called Session, 41st Legislature as amended by Acts 1941, Regular Session, 47th Legislature, being Article 6675a-8a, Revised Civil Statutes of the State of Texas as amended, prescribing the annual license fees of motor buses and declaring an emergency."

The bill was read the third time and was passed by the following vote:

Yeas—18

Aikin	Colson
Ashley	Kazen

Kelley	Ratliff
Lane	Rogers
Latimer	of Childress
Lock	Rogers of Travis
Moffett	Secrest
Owen	Strauss
Parkhouse	Willis
Phillips	

Nays—10

Bracewell	Moore
Corbin	Roberts
Fly	Shireman
Hardeman	Wagon seller
Martin	Weinert

Absent

Hazlewood

Absent—Excused

Fuller McDonald

Senate Concurrent Resolution 28 on Second Reading

On motion of Senator Ashley and by unanimous consent, the President laid before the Senate on its second reading the following resolution:

S. C. R. No. 28, Providing for continued study of the records and history of the State of Texas by the Texas State Historical Survey Committee.

The resolution was read the second time and was adopted.

Senate Bill 384 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 384, A bill to be entitled "An Act creating a Conservation District under Article XVI, Section 59, of the Constitution, comprising certain territory lying within the Counties of Guadalupe, Hays and Comal, Texas, for the purpose of flood control, and preservation of land and soil and the fertility thereof, and to construct, acquire, improve, carry out, maintain, repair and operate dams, structures, projects and works of improvement for flood prevention, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 384 on Third Reading

Senator Weinert moved that Senate

Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 384 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller McDonald

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller McDonald

Senate Bill 385 on Second Reading

On motion of Senator Lock and by

unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 385, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution comprising the territory of San Augustine County, Texas, to be known as 'San Augustine Water Authority,' for the purpose of providing a source of water supply for agricultural, municipal, domestic and industrial use and processing, transporting and distributing the same; providing for a Board of Directors for the government of said Authority; authorizing the Authority to do all things necessary to the exercise of the powers herein granted; authorizing the issuance of bonds and providing for payment and security thereof; making applicable to the District Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and certain general laws relating to water control and improvement districts prescribing the other powers of the Authority; providing a saving clause; enacting other provisions relating to this subject; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 385 on Third Reading

Senator Lock moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 385 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller

McDonald

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller

McDonald

Senate Bill 255 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 255, A bill to be entitled "An Act amending Article 6674-n of Vernon's Civil Statutes of Texas, being Section 14 of Chapter 186, Acts of the 39th Legislature, 1925, and amendments, as amended by Chapter 199, Section 1, Acts of the 44th Legislature, 1935, so as to provide that venue for the exercise of the right of eminent domain by the State Highway Commission shall be in the county where the land or material sought to be condemned, or a part thereof, is located; and that all such condemnation proceedings shall be in all things as provided in Title 52, Articles 3264 to 3271, inclusive, of the Revised Civil Statutes of Texas, 1925, and amendments thereto; repealing

all laws in conflict; that if any part is held void, declaring intention to pass valid portions; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 255 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 255 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller

McDonald

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 256 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 256, A bill to be entitled "An Act amending Section 1 of Article 3264 of Title 52, Revised Civil Statutes of Texas, 1925, as amended by Chapter 37, Acts of the 43rd Legislature, by providing for filing petitions for condemnation with the County Clerk; and amending Section 2 of

said Article 3264, providing for filing and docketing of such petition as a proceeding in the County Court; and amending Section 5 of Article 3265 of the Revised Civil Statutes of Texas, 1925, providing for filing Commissioners report with the County Clerk; and amending Sections 3 and 6 of Article 3266 of the Revised Civil Statutes of Texas, 1925; in Section 3 providing pay for the commissioners; and in Section 6 providing for filing objections to the award of commissioners, and appeal to the District Court and transfer of proceedings to such Court; manner of docketing, notice to adverse party and for trial in such court; and amending Article 3267 of the Revised Civil Statutes of Texas, 1925, Title 52, providing for taxing costs; and amending Article 3268, Title 52, of the Revised Civil Statutes of Texas, 1925, by adding a new Section 2-A, providing when plaintiff has complied with provisions of said Article he shall be entitled to possession and for writs of possession and other writs to enforce right of possession; and amending Section 3 providing for final judgment in the trial court, if appeal for District Court judgment of such court shall not be suspended. And providing if part of Act be held unconstitutional or void it will not affect the remainder of the Act; and declaring an emergency."

The bill was read the second time.

Senator Hardeman offered the following committee amendment to the bill:

Amend Section 1 of Senate Bill 256 by amending Section 2 of Article 3264 as quoted in said Section 1 to read as follows:

"Section 2. When such petition is filed with the clerk of the county court it shall be docketed as other civil suits in the county court, or county court at law if there be a county court at law in said county having jurisdiction in eminent domain. Such petition shall be immediately presented to the judge of the said court, who shall either in term time or in vacation, appoint three disinterested freeholders of said county as special commissioners to assess the damage, giving preference to those that may be agreed upon between the parties."

The committee amendment was adopted.

Senator Hardeman offered the following committee amendment to the bill:

Amend Sections 3, 4 and 5 of Senate Bill 256 as follows:

Amend Section 3 of said bill by adding to Section 6 of Article 3266, as set out in said Section 3, the following sentence. "Provided, nevertheless, that where the condemnation proceeding is commenced in any county where there exists a county court at law having jurisdiction in eminent domain, the condemnation proceeding shall not be transferred to the district court but, in any such case, the filing of the written objections to the award within ten days as aforesaid, together with service of a copy of said objections upon the adverse part shall be sufficient to cause the case to stand for trial upon the civil docket of said county court at law as any other civil case in said court."

Amend Section 4 of Section 5 of said bill by striking out the words "district court" wherever they appear in said sections and substituting therefor the words, "trial court."

The committee amendment was adopted.

Senator Hardeman offered the following committee amendment to the bill:

Amend Senate Bill No. 256 by striking out all above the enacting clause and substituting in lieu thereof the following:

"An Act amending Section 1 of Article 3264 of Title 52, Revised Civil Statutes of Texas, 1925, as amended by Chapter 37, Acts of the 43rd Legislature, by providing for filing petition for condemnation with the County Clerk; and amending Section 2 of said Article 3264, providing for filing and docketing such petition as a proceeding in the County Court or County Court at Law; and amending Section 5 of Article 3265 of the Revised Civil Statutes of Texas, 1925, providing for filing Commissioners report with the County Clerk; and amending Sections 3 and 6 of Article 3266 of the Revised Civil Statutes of Texas, 1925; amending Section 3 providing pay for the commissioners; amending Section 6 providing for filing objections to the award of commissioners, and appeal to the District Court and transfer of proceeding to such Court or appeal to the County Court at Law if there be one in the county with

eminent domain jurisdiction; manner of docketing, notice to adverse party and for trial in such court; and amending Article 3267 of the Revised Civil Statutes of Texas, 1925, Title 52, providing for taxing costs; and amending Article 3268, Title 52, of the Revised Civil Statutes of Texas, 1925, by adding a new Section 2-A, providing when plaintiff has complied with provisions of said Article he shall be entitled to possession and for writs of possession and other writs to enforce right of possession; and amending Section 3 providing for final judgment in the trial court. And providing if part of Act be held unconstitutional or void it will not affect the remainder of the Act; and declaring an emergency."

The committee amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 256 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 256 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller

McDonald

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 257 on Second Reading

On motion of Senator Hardeman, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 257, A bill to be entitled "An Act amending Article 6710 of the Revised Civil Statutes of Texas, 1925, providing that if the landowner be dissatisfied with the damages allowed he may appeal to the District Court for a trial on question of damages and compensation; providing for time and manner of appeal; for transfer of the condemnation proceeding and all papers to the District Court; no further notice to be given; the manner of docketing in District Court and for trial as in other civil cases in the District Court; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 257 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 257 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Wagonseller
Martin	Weinert
Moffett	Willis

Absent

Hazlewood Strauss

Absent—Excused

Fuller McDonald

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller McDonald

Senote Bill 337 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 337, A bill to be entitled "An Act creating Sulphur River Municipal Water District, a conservation district under Article XVI, Section 59, of the Constitution, comprising the territory contained within the cities of Cooper, Commerce and Sulphur Springs, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transmitting the same; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 337 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 337 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
Moffett	Weinert

Absent

Hazlewood Willis

Absent—Excused

Fuller McDonald

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Lock	Strauss
Martin	Wagonseller
Moffett	Weinert
Moore	

Absent

Hazlewood Willis
Latimer

Absent—Excused

Fuller McDonald

Committee Substitute Senate Bill 284 on Second Reading

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 284, A bill to be entitled "An Act providing for the

form and contents of accident and sick insurance policies issued in this State; defining certain terms for the purpose of this Act; etc.; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend Senate Bill No. 284, Section 1, Paragraph (B), in line 9 after the semicolon following the word Commissioners, by adding the following: "Nothing in this act shall apply to those insurance societies or organizations now exempt under Articles 10.38 and the last paragraph of 10.12 of the Texas Insurance Code of 1951."

The amendment failed of adoption.

The bill was passed to engrossment.

Committee Substitute Senate Bill 284 on Third Reading

Senator Moore moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 284 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Lock	Strauss
Martin	Wagonseller
Moffett	Weinert
Moore	Willis

Absent

Hazlewood Latimer

Absent—Excused

Fuller McDonald

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller

McDonald

Senate Bill 209 on Second Reading

On motion of Senator Fly, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 209, A bill to be entitled "An Act amending House Bill 17, Acts of the 46th Legislature, Regular Session, 1939, as amended by Senate Bill 28, Acts of the 51st Legislature, Regular Session, 1949, Chapter 149; providing for the licensing and regulation of dealers in real estate; prohibiting the unlawful practice of law; defining terms; providing penalties for violation of this Act; providing a saving clause; and declaring an emergency."

The bill was read second time.

Senator Fly offered the following committee amendment to the bill:

Amend S. B. No. 209 by striking out all below the enacting clause and substituting therefor the following:

Section 1. House Bill 17, Acts of the Forty-sixth Legislature, Regular Session, 1939, as amended by Senate Bill 28, Acts of the Fifty-first Legislature, Regular Session, 1949, Chapter 149, is hereby amended so as to read as follows:

"Section 1. This act shall be known and may be cited as, 'The Real Estate License Act.'"

"Section 2. The Texas Real Estate Commission.

"The administration of the provisions of this act shall be vested in a commission, to be known as 'Texas Real Estate Commission,' consisting of six (6) members to be appointed by the Governor with the advice and consent of two-thirds of the Senate present. They shall hold office for six (6) years and until their successors are appointed, and have qualified. The members of the Commission in office at the effective date of this act shall be present members of the Commission and shall continue in office until the 5th day of October of the years in which their present respective terms expire, and until their successors are appointed and qualified. Such Commission is hereafter referred to in this Act as 'Commission.'"

"Each member of the Commission shall be a citizen of Texas and a qualified voter and shall be engaged in the real estate business for at least five (5) years next preceding his appointment, and shall have held a license as a regular real estate broker under House Bill No. 17, Acts of the Regular Session of the Forty-sixth Legislature, or any amendments thereto, at the time of his appointment and for five (5) years prior thereto.

The members of the Commission shall receive their actual expenses while engaged in the performance of their duties, and per diem of Ten (\$10.00) Dollars per day not exceeding thirty (30) days for any one year.

"The Commission is hereby empowered to select and name an administrator, who shall also act as Executive Secretary, and to select and employ such other subordinate officers and employees as shall be necessary to properly administer this Act. The salaries of the Administrator and such officers and employees shall be as fixed by the Commission not to exceed such amounts as are fixed by the General Appropriations Bill. The Commission may designate a subordinate officer as Assistant Administrator who shall be authorized to act for the Administrator in his absence or inability to perform his duties. The Administrator and such Assistant Administrator shall take the constitutional oath of office, and shall furnish a bond payable to the Governor of Texas in the penal sum

of Ten Thousand Dollars (\$10,000) conditioned upon the faithful performance of his duties as provided by law.

"The Commission is hereby empowered to enforce and administer the provisions of this Act and in the performance of such duties to conduct hearings, examinations and investigations. Upon receipt of written complaint it shall be the duty of the Commission to investigate persons engaging in the real estate business in this State to ascertain whether they are violating any of the provisions of this Act; to summon and require witnesses to be examined under oath; to administer oaths; to keep such records and minutes as shall be necessary to properly enforce the provisions of this Act; and to adopt such rules and regulations, not inconsistent with this Act, as shall be appropriate to its proper administration.

"Whenever in this Act a power, right or duty is conferred upon the Commission, such power or right shall be exercised by the Administrator and such duty shall rest upon the Administrator unless the Commission shall otherwise order or direct by an order entered in the minutes of such Commission; and in such case, the power, right or duty shall rest in or on the Commission. Service of process upon the Administrator or the Assistant Administrator shall be service of process upon the Commission. Any reports, notices, applications, or instruments of any kind required to be filed with the Commission shall be considered filed with the Commission if filed with the Administrator. Where a decision, order or act of the Commission is referred to in this Act (other than an order of the Commission relative to the Administrator or his powers, rights, duties), it shall also mean and include any order, decision or act of the Administrator. Wherever the Commission is authorized herein to delegate authority or to designate agents, the Administrator shall have such rights and the powers to so delegate authority and designate agents, unless the Commission shall enter its order in the minutes directing otherwise. The Administrator shall act as Manager, Secretary and Custodian of all records unless the Commission shall otherwise order, and shall devote his entire time to his office.

"Section 3. License Required.

"From and after the effective date

of this Act it shall be unlawful for any person, partnership, association or corporation to engage in or carry on directly or indirectly, or to advertise or hold himself, itself, or themselves out as engaging in, or carrying on, the business, or to perform any act of a Real Estate Broker or a Real Estate Salesman, as herein defined, within this State, without first obtaining a license as a Real Estate Broker or Real Estate Salesman as provided for in this Act.

"Section 4. Definitions.

"The following terms shall, unless the context otherwise indicates, have the following meaning:

"(1) The term, 'Real Estate Broker' shall mean and include any person, who, for another or others and for compensation or with the intention or in the expectation or upon the promise of receiving or collecting compensation:

"(a) Sells, exchanges, purchases, rents or leases real estate;

"(b) Offers to sell, exchange, purchase, rent or lease real estate;

"(c) Negotiates, or offers or attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;

"(d) Lists or offers or attempts or agrees to list real estate for sale, rental, lease, exchange or trade;

"(e) Appraises or offers or attempts or agrees to appraise real estate;

"(f) Auctions, or offers or attempts or agrees to auction real estate;

"(g) Buys or sells or offers to buy or sell, or otherwise deals in options on real estate;

"(h) Collects or offers or attempts or agrees to collect rentals for the use of real estate;

"(i) Advertises or holds himself out as being engaged in business of buying, selling, exchanging, renting or leasing real estate;

"(j) Procures or assists in the procuring of prospects, calculated to result in the sale, exchange, leasing or rental of real estate;

"(k) Procures or assists in the procuring of properties calculated to result in the sale, exchange, leasing or rental of any business enterprise, or sells, exchanges, purchases, rents, or leases any business enterprise;

"(l) Subdivides real estate into two or more parts or tracts which are to be sold, leased, exchanged or rented to others, or for the purpose of erecting buildings for residential or busi-

ness purposes to be sold, leased, exchanged or rented.

"(2) The term 'Real Estate Broker' shall also include any person employed by or on behalf of the owner or owners of real estate at a stated salary or upon a commission or upon a salary and commission basis or other compensation to sell, exchange or offer for sale such real estate or any part thereof who shall sell, exchange or offer or attempt or agree to negotiate the sale or exchange of any lot or parcel or real estate; provided, however, if the owner of lots or other parcels is engaged in the business of buying, selling, exchanging, leasing, renting a property and holding himself out as a full or part-time broker in real estate, then such person employed by said owner may be licensed as a salesman.

"(3) The term 'Real Estate Broker' shall also include any person, partnership, association, or corporation engaged in the business of buying, selling, exchanging, leasing, renting of property for himself or itself who holds himself, themselves or itself out as a broker in real estate, or engages in the activities of a Real Estate Broker as an occupation, business, or profession on either a full or part-time basis.

"(4) The term 'Real Estate Salesman' shall mean and include any person employed or engaged by or in behalf of a licensed Real Estate Broker to do or deal in any act, acts, or transactions set out and comprehended by the definition of a 'Real Estate Broker' in Subdivisions (1), (2) and (3) of this Section. The term 'Real Estate Salesman' shall not include a partnership, association or corporation.

"(5) The word 'compensation' shall mean and include any fee, commission, salary, money or valuable consideration, as well as the promise thereof and whether contingent or otherwise.

"(6) The word 'person' shall mean and include any individual, firm, partnership, association or corporation.

"(7) If the sense requires it, words in the present tense include the future tense; in the masculine gender, include the feminine or neuter gender; in the singular number, include the plural number; in plural number, include the singular number; 'and' may read 'or'; and 'or' may be read 'and.'

"Section 5. Acts Constituting Broker or Salesman.

"Any one act set out in Section 4,

Subdivision (1), when performed for another or others for compensation or valuable consideration or who with the intention or in the expectation or upon the promise of receiving or collecting compensation shall constitute a person, partnership, association, or a corporation, performing, offering or attempting to perform such act or acts, a Real Estate Broker or a Real Estate Salesman within the meaning of this Act.

"Section 6. Exemptions.

"(1) The provisions of this Act shall not apply to the advertising, negotiation or consummation of any purchase, sale, rental or exchange of, or the borrowing or lending of money on, real estate by any person, firm, or corporation when such person, firm or corporation does not engage in the activities of a Real Estate Broker as an occupation, business or profession on a full or part-time basis.

"(2) The provisions of this Act shall not apply to acts performed in the management of property or investment funds by the owner thereof or his regular employees when such an owner or employee does not advertise or hold himself out as a broker in or salesman of real estate and does not conduct such management in a manner as to lead an ordinary person to believe that such owner or employee is a whole or part-time broker in or salesman of real estate.

"(3) The provisions of this Act shall not apply to any person acting as Attorney-in-Fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing, or exchanging of real estate, nor shall this Act be construed to include in any way services rendered by an attorney at law, nor shall it be held to apply to the acts of any person while acting as an escrow holder, receiver, trustee in bankruptcy, administrator or executor, or to any person doing any of the acts specified in this Act under order of any court, nor to apply to the trustee acting under a trust agreement, deed of trust or will, nor to the regular salaried employees thereof, nor shall this Act apply to public officers or employees while performing their duties as such.

"(4) This Act shall not apply to the sale, lease or transfer of any property when such sale, lease or transfer is made by the owner, or one of the owners, or the attorney for said

owner or owners, unless the owner or owners or the attorney for said owner or owners is engaged wholly or in part in the business of selling real estate.

"Section 7. Eligibility for License.

"(a) No individual applicant shall be eligible to be licensed under the terms of this Act unless such applicant is at the time of filing such application at least twenty-one (21) years of age, an actual bona fide resident of this State and shall have been an actual bona fide resident of this State for at least sixty (60) days immediately preceding the filing of such application. No partnership or association shall be eligible to be licensed unless the members thereof have the above qualifications or an individual applicant. No corporation shall be licensed unless the officers thereof have the above qualifications of an individual applicant. Provided, however, the above provision as to residence shall not apply to nonresident applicants who may apply for license under the terms of Subdivision (b) hereinafter set forth.

"(b) A nonresident of this State may be licensed as a Real Estate Broker or Salesman providing such nonresident is at the time licensed as a broker in real estate under the laws of the state where he or it resides and which said state has legal standards of qualification which the Commission finds equivalent to this Act; provided, however, that such nonresident must procure from the agency administering such law in such state, a certificate as to such license and recognizing and approving the reliability and standing of such nonresident in such other state, and file same with the Commission; and provided further that said nonresident licensee shall at all times maintain a place of business in this state in conformity with the requirements as to resident licensees. Nothing herein is intended to prohibit real estate transactions in this state by nonresidents if conducted by a resident licensed broker or salesman.

"Notwithstanding the foregoing provisions of this subsection, a nonresident of this State who resides in a city whose boundaries are contiguous at any point to the boundaries of a city of this state, and who shall have been an actual bona fide resident thereof for at least sixty (60) days immediately preceding the filing of his application, shall be eligible to be licensed as a Real Estate Broker or Salesman under this Act in the same

manner as a resident of this State. If he is licensed in this manner, he shall at all times maintain a place of business either in the city in which he resides or in the city in this State which is contiguous thereto, and he shall not maintain a place of business at any other location in this State unless he also complies with the requirements of the first paragraph of this subsection; and provided further that such place of business must satisfy the requirements of subsection (a) of Section 13 below, but such place of business shall be deemed a definite place of business in this State within the meaning of said subsection (a) of Section 13 below.

"(c) Every nonresident applicant, before the issuance of license, shall file an irrevocable consent that suits and actions may be commenced against such applicant by service of process on the Administrator; and stipulating and agreeing that said service of process shall be taken and held by all courts to be as valid and binding as if due service had been made upon said applicant personally within this State. The instrument containing such consent shall be executed and acknowledged by the applicant if an individual, by a partner if a partnership, by an officer if an association or corporation, and authenticated by the seal thereof if a corporation. All such applicants, except from individuals or partnerships shall be accompanied by a certified copy of a resolution authorizing the officer to execute the same. In case of any process or service upon the Commission, it shall be by duplicate copies, one of which shall be filed in the office of the Administrator, and the other immediately forwarded by registered mail to the main office of the applicant against whom said process is directed as stated in the instrument authorizing such service.

"(d) Any person, firm, partnership, association, or corporation holding a Real Estate Broker's license, who are nonresidents of the state shall pay the same filing fee as is required of resident licensees.

"Section 8. Application for License.

"(a) Any person desiring to act as a Real Estate Broker or salesman in this State shall file with the Commission an application for license. The application shall be in such form and contain such information as the Commission may prescribe, including but not limited to the following:

"(1) The name and address of the applicant and if the applicant shall be a partnership or association, the name and address of each member thereof; if it is a corporation, the name and address of each officer and each director thereof;

"(2) The name under which the business shall be conducted;

"(3) The place or places, including the street and number and the time, village or city and county, where the business is to be conducted;

"(4) The business or occupation engaged in by the applicant and every member or officer thereof for a period of not less than five (5) years immediately preceding the date of application;

"(5) The time and place and experience of the applicant and every member or officer thereof in the real estate business as a real estate broker or salesman;

"(6) Whether the applicant or any member or officer thereof has ever been convicted of or is under indictment for forgery, embezzlement, obtaining money under false pretense, larceny, extortion, any crime involving moral turpitude, conspiracy to defraud or other like offense or offenses, and whether applicant or any member or officer thereof has ever had a license to engage in any occupation, business or profession cancelled, revoked or suspended and the reasons therefor;

"(7) Whether the applicant or any member or officer thereof has ever been refused a Real Estate Broker's or Salesman's License or any other occupational, business or professional license in this or any other State;

"(8) If the applicant is a partnership, association or corporation, the name of a designated member or officer thereof who is to carry on the activities of Real Estate Broker on behalf of the partnership, association or corporation, who shall be designated as agent of the partnership, association or corporation for that purpose;

"(9) If the applicant is a member of a partnership or association subject to being licensed hereunder, or an officer of any corporation subject to being licensed hereunder, the name and office address of the partnership, association or corporation of which said applicant is such member or officer;

"(10) Such application for a Broker's license shall be made by appli-

cant. If such application is made by a partnership or association, it shall be filed by all members thereof. If made by a corporation, it shall be filed by the president and secretary thereof.

"(b) An individual's application shall be accompanied by recommendations of at least three (3) citizens not related to the applicant, who have owned real estate for a period of three (3) years or more in the county in which the applicant resides or intends to reside or establish his place of business, and who have known applicant for a period of three (3) years or more, which recommendation shall be under oath and shall certify that the applicant has a reputation for honesty, truthfulness, fair dealings, and competency, and shall recommend that license be granted to the applicant. If the applicant cannot procure such recommendation for the reason that he has not resided in the county for three (3) years, he may furnish three recommendations from three (3) persons where the applicant may have resided for three (3) years prior to the filing of his application.

"(c) Every partnership or association in its application shall designate and appoint one of its members as agent broker and every corporation in its application shall designate one of its officers as agent broker. The application of the said partnership, association, or corporation shall be accompanied by an application by such designated agent broker in the same form as individual applicants. Upon compliance with all requirements of law by the partnership, association, or corporation as well as by the said designated member or officer, the Commission shall issue a Broker's license to said partnership, association, or corporation, which shall bear the name of such member or officer and thereafter the member or officer so designated shall without payment of any further fee be entitled to perform all the acts of a real estate broker contemplated by the provisions of this Act; provided, however, said license shall entitle such member or officer so designated to act as a Real Estate Broker only as officer or agent of said partnership, association or corporation and not on his own behalf; and provided, further, that if in any case the person so designated shall be refused a license by the Commission, or in

case such person ceases to be connected with such partnership, association, or corporation, said partnership, association or corporation shall be entitled to designate another person to qualify and act as in the first instance, upon qualification of the designated agent;

"(d) Each and every member or officer of a partnership, association or corporation who acts as a Real Estate Broker, other than the Agent Broker of the partnership, association or corporation shall be required to make application for and take out a separate Broker's license in his own name individually. Should the license of any partnership, association or corporation, or the license of any member or officer thereof, be suspended, revoked or cancelled for violation of any provision of this Act, all other licenses of such concerns and their members and officers may be suspended until the business relationship with the violator is terminated to the satisfaction of the Commission.

"(e) Every application for a Salesman's license shall be made in writing upon a form prescribed by the Commission and shall contain such information as required in a Broker's application, and shall also set forth a period of time, if any, said applicant has been in such business, stating the name and address of his last employer, the name and place of business of the person or company employing him, and in what capacity he is employed or into whose service he is about to enter. The application shall be accompanied by a certified written statement by the Broker in whose service he is about to enter, certifying that in his opinion the applicant is honest, truthful, and of good reputation, and recommending that the applicant be granted a license. Every application for a salesman's license shall be certified by the applicant.

"(f) Every application for a Real Estate Broker's license or a Salesman's license shall be accompanied by the fee prescribed in this Act. In the event the Commission does not issue the license through no fault of the applicant, the fee shall be returned to the applicant.

"Section 9. Additional Information May be Required.

"Application for a Real Estate Broker's or Real Estate Salesman's license shall contain such other information as to the applicant, in ad-

dition to the above prescribed, as the Commission shall require. The Commission may require such other proof through the application or otherwise as the Commission shall deem desirable with due regard to the paramount interest of the public as to the honesty, truthfulness, integrity and professional competency of the applicant.

"Section 10. Examination.

"In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, each individual applicant and designated agent must pass a written examination conducted by said Commission, or its duly authorized representative, which examination shall be of scope and wording sufficient in the judgment of the Commission to establish the professional competency of the applicant to act as Real Estate Broker or Salesman in such manner as to protect the interests of the public. The Commission shall hold examinations at such times and places as it may determine, except the Commission shall hold said examinations no less frequently than every sixty (60) days. Provided, however, that no individual applicant or designated agent who has held a license within any three of the preceding five years before the application under the Texas Real Estate Act shall be required to take such examination unless such license was suspended, revoked or cancelled for a violation of such Act. The Commission shall furnish in writing to each applicant a number of examination questions with the proper answers thereto at such time in advance of examination as the applicant may designate not to exceed sixty (60) days, from which the questions to be given on the examination shall be chosen by the Commission. The Commission is authorized to establish educational programs and to procure and furnish personnel, facilities and material for instruction of persons desiring to become Brokers or Salesmen or to improve their proficiency as Brokers or Salesmen, provided that the Commission shall establish such programs on a self-liquidating basis from fees and charges established by the Commission for such instructional service and material.

"Section 11. Bond.

"Immediately upon approval of the application the applicant shall be notified and before the license shall be issued, a bond executed by the applicant, as principal, and a surety

company authorized to do business in this State, as surety, shall be furnished to the Commission in the principal sum of Three Thousand Dollars (\$3,000) for a Broker and Two Thousand Dollars (\$2,000) for a Salesman, payable to the Commission for the use and benefit of any injured party, and conditioned that the applicant will pay any judgment recovered by any person in any suit for damages or injury caused by a violation of this Act. Every Broker and Salesman holding a license under this Act shall within thirty (30) days after the effective date of this Act, furnish and maintain such bond as a condition to the continued validity of such license.

"Section 12. Issuance and Custody of License.

"(a) If the Commission is satisfied that the applicant for a Real Estate Broker's or Real Estate Salesman's license is of good business repute and that the business will be conducted in an honest, fair, just and equitable manner, and upon complying with all other provisions of law and conditions of this Act, a license will thereupon be granted by the Commission to the successful applicant therefor as a Real Estate Broker or Real Estate Salesman, and the applicant, upon receiving possession of the license, is authorized to conduct the business of a Real Estate Broker or Real Estate Salesman in this State.

"(b) The Commission shall issue to each licensee a license in such form and size as shall be prescribed by the Commission. This license shall show the name and address of the licensee, and in case of a Real Estate Salesman's license, shall show the name of the Real Estate Broker by whom he is employed. Each license shall have imprinted thereon the seal of the State of Texas, and in addition to the foregoing shall contain such matter as shall be prescribed by the Commission. The license of each Real Estate Salesman shall be delivered or mailed to the Real Estate Broker by whom such Real Estate Salesman may be employed and shall be kept under the custody and control of such Broker.

"(c) The Commission shall prepare and deliver to each licensee a pocket card, which card, among other things, shall contain an imprint of the seal of the State of Texas, and shall certify that the person whose name appears thereon is a licensed Real Estate Broker or Real Estate Salesman, as the case may be; and if

it is a Real Estate Salesman's card, it shall also contain the name and address of his employer; the matter to be printed on such pocket card except as above set forth, shall be prescribed by the Commission.

"(d) Every real estate dealer licensed under this Act shall have and maintain a definite place of business in this State, and such place of business may be in a portion of licensee's home set aside for said purpose. The license of the real estate broker shall at all times be prominently displayed in licensee's place of business and a duplicate of said license shall likewise be prominently displayed in all branch offices of the licensee. The said place of business shall be specified in the application for license and designated in the license.

"(b) All Real Estate Brokers shall also prominently display in their place or places of business the licenses of all Real Estate Salesmen employed by them therein or in connection therewith. All licenses issued to Real Estate Salesmen shall designate the employer of said Salesmen by name.

"(c) Upon change of address of any Broker from that shown in any license held by him or his Salesmen, the Broker shall immediately return such licenses to the Commission together with a fee of Two Dollars (\$2) for each license, and the Commission shall issue new licenses for the unexpired term of the returned licenses showing the new address as designated by the Broker.

"Section 14. Change of Employer by Salesman.

"Prompt notice in writing within ten (10) days shall be given to the Commission by any Real Estate Salesman of his change of employer and the name of the new employer into whose service he is about to enter or has entered, and a new license will thereupon be issued by the Commission to such Salesman for the unexpired term of the original license; provided, that such new employer shall be a duly licensed Real Estate Broker. The Real Estate Broker shall at the time of mailing such Real Estate Salesman's license to the Commission, notify the Salesman thereof at the address of such Real Estate Salesman that this license has been mailed or delivered to the Commission. A copy of such communication to the Real Estate Salesman shall accompany the license when mailed or delivered to the Commission. It shall be unlawful for any Real Estate Salesman to per-

form any of the acts contemplated by this Act, either directly or indirectly, under the authority of said license and after the date of receipt of said license from said Broker by the Commission; provided, that another license shall not be issued to such Real Estate Salesman until he has returned his former pocket card to the Commission or shall satisfactorily account to the Commission for the same; provided, further, that not more than one license shall be issued to any Real Estate Salesman for the same period of time. The Commission shall issue a new license to said Salesman within ten (10) days from date of receipt of the application for transfer and the payment of the transfer fee as provided for herein.

"Section 15. Hearing on Application.

"If the Commission declines or fails to license an applicant, it shall immediately give notice of the fact to the applicant; and upon request from such applicant, filed within ten (10) days after the receipt of such notice, shall fix a time and place for hearing, of which ten (10) days notice shall be given to such applicant, and to other persons interested or protesting, to offer evidence relating to the Real Estate Broker's and/or Salesman's application. In such case the Commission shall fix the time of such hearing on a date within thirty (30) days from receipt of the request for the particular hearing, provided the time of hearing may be continued from time to time with the consent of the applicant. If satisfied as aforesaid as a result of such hearing, the Commission shall thereupon license the Real Estate Broker and/or Salesman if all other provisions of this Act shall have been met.

"Section 16. Revocation and Suspension of License.

"The Commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, provided such complaint, or such complaint together with evidence, documentary or otherwise, presented in connection therewith, shall provide reasonable cause, investigate the actions of any Real Estate Broker or Real Estate Salesman or any unlicensed person who shall assume to act in either such capacity within this State, and shall have the power to suspend or revoke any license issued under the provisions of this Act at any time when it has been determined that the license has been obtained by

false or fraudulent representation or where the licensee in performing or attempting to perform any of the acts mentioned here is determined to be guilty of:

"(1) Knowingly making any substantial misrepresentation; or

"(2) Making any false promises with intent to influence, persuade or induce; or

"(3) Pursuing a continued and flagrant course of misrepresentation or making a false promise through agents or salesmen or advertising or otherwise; or

"(4) Failing to make clear for which party he is acting, or receiving compensation from more than one party, except with the full knowledge and consent of all parties; or

"(5) Failure within a reasonable time to account for and/or remit any moneys coming into his possession which belong to others, or the commingling of moneys belonging to others with his own funds; or

"(6) Procuring a license under this Act for himself or any salesman by fraud, misrepresentation, or deceit; or

"(7) Having been convicted of a felony, knowledge of which the Commission did not have at the time of the last issuance of a license to such licensee; or

"(8) Paying commissions or fees to or dividing commissions or fees with anyone not licensed as a real estate broker or salesman in this or any other State; or

"(9) Using any misleading or untruthful advertising including the use of any trade name or insignia of membership in any real estate organization of which he is not a member; or

"(10) Accepting, receiving or charging any undisclosed commission, rebate or direct profit on expenditures made for a principal; or

"(11) Soliciting, selling or offering for sale real property under any scheme or program to attract purchasers by offering gifts, bonuses, prizes or discounts, by lottery, or deceptive practices; or

"(12) Acting in the dual capacity of Broker and undisclosed principal in any transaction; or

"(13) Guaranteeing, authorizing or permitting any person to guarantee future profits which may result from a resale of real property; or

"(14) Placing a sign on any property offering it for sale or rent without the consent of the owner or his authorized agent; or

"(15) Inducing any party to a Con-

tract of Sale or lease to break such contract for the purpose of substituting in lieu thereof a new contract with another principal; or

"(16) Negotiating the sale, exchange or lease of any real property directly with an owner or lessor, knowing that such owner or lessor had a written outstanding contract granting exclusive agency in connection with such property with another real estate broker; or

"(17) Offering real property for sale or for lease without the knowledge and consent of the owner or his authorized agent, or on any terms other than those authorized by the owner or his authorized agent; or

"(18) Publishing advertisements whether printed or by radio, television, display, or any other method which was misleading, or inaccurate in any material respect or as to services of the business conducted or which fails to carry plainly the name of the broker causing such advertisement to be published or displayed; or

"(19) Having knowingly withheld from or inserted in any statement of account or invoice, any statement that made it inaccurate in any material particular; or

"(20) Publishing or circulating any unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers; or

"(21) Any other conduct, whether of the same or different character than hereinabove specified, which constitutes dishonest dealings; or

"(22) Wilfully disregarding or violating any provisions of the law, or of this Act.

"This section of this Act shall not be construed to relieve any person or company from civil liability or from criminal prosecution under this Act or under the laws of this State.

"Upon complaint by affidavit of any creditable person that any licensee under the provisions of this Act has been guilty of, or has committed any of the acts mentioned in this section, the Commission shall, after proper investigation and verification of information contained in the complaint, notify the licensee of the filing of such complaint and the date a hearing will be had thereon. After hearing, the Commission shall enter such order as to it appears proper under the facts presented. Either party may appeal from that decision to any Dis-

trict Court of the County where such licensee resides, where a trial de novo shall be had, under the rules of procedure governing ordinary civil cases in the District Court.

"Section 17. Unlawful Practice of Law.

"Any license granted under the provisions of this Act shall be cancelled by the Commission upon proof that the licensee, not being licensed and authorized to practice law in this State, for a consideration, reward, pecuniary benefit, present or anticipated, direct or indirect, or in connection with or as a part of his employment, agency, or fiduciary relations, as licensee, draws any deed, note, deed of trust, or will, that may transfer or otherwise affect the title or interest in land, or advises or counsels any person as to the validity or legal sufficiency of any such instrument above mentioned, or as to the validity of title of real estate.

"Section 18. Hearings.

"The Commission shall, before suspending or revoking any license, notify in writing the licensee of any charges made in order to afford such licensee an opportunity to be heard, which notification shall be given at least ten (10) days prior to the date set for the hearing. The Commission shall prescribe the time and place of the hearing. The Commission shall have no authority to promulgate rules or regulations which are not definitely set forth in this Act. Such written notice may be served by mailing same by registered mail to the last known business address of such licensee. If such licensee be a salesman, the Commission shall also notify the Real Estate Broker employing him, specifying the charges made against such Real Estate Salesman by sending a notice thereof by registered mail to the Real Estate Broker's last known address. At such hearing, or at any other provided for in this Act, such licensee, any and all persons complaining against him, as well as any other witness whose testimony is relied upon to substantiate the charges made, shall be entitled to be present. He shall also be entitled to present evidence, oral and written, as he may see fit, and as may be pertinent to the inquiry. The said hearing may be held by the Commission, and the said hearing shall be held, if the applicant or licensee so desires, within the county where the applicant or licensee has his principal place of business.

In such hearing all witnesses shall be duly sworn by the person herein authorized to preside, and stenographic notes of the proceedings shall be taken and filed as part of the records in the case. Any party to the proceedings desiring it shall be furnished with a copy of the stenographic notes upon the payment to the Commission of a fee not to exceed fifty cents (50¢) per page.

"Section 19. License Prerequisite to Suit for Compensation.

"No person or company engaged in the business of acting in the capacity of a Real Estate Broker or a Real Estate Salesman within this State shall bring or maintain any action in the courts of this State for the collection of compensation for the performance of any of the acts set out in Subdivision (1) of Section 4 hereof, without alleging and proving that such person or company was a duly licensed Real Estate Broker or Salesman at the time the alleged cause of action arose.

"Section 20. Witnesses and Evidence.

"(a) The Commission may require by subpoena or summons issued by the Commission, or any person duly authorized to act for the Commission, addressed to the sheriff or any constable, the attendance and testimony of witnesses and the production of any books, accounts, records, papers and correspondence (except such books of account as are necessary to the continued conduct of the business, which books the Commission shall have the right to examine or cause to be examined at the office of the concern, and to require copies of such portion thereof as may be deemed necessary) touching such matter in question under this Act, which copies shall be verified by affidavit of an officer of such concern and shall be admissible in evidence as provided in Section 25 hereof, relating to any matter which the Commission has authority by this Act to consider or investigate; and for this purpose the Commission, or any person duly authorized by the Commission may sign subpoenas, administer oaths and affirmations, examine witnesses and receive evidence. In case of disobedience of any subpoena or of any contumacy of any witness appearing before the Commission, the Commission or the person duly authorized to act for it may invoke the aid of the District Court within whose ju-

risdiction any witness may be found and such court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or give evidence or produce books, accounts, records, papers, and correspondence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(b) The Commission, or any person duly authorized by the Commission, may in any investigation cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed for depositions in civil actions under the laws of Texas. Each witness required to attend any hearing provided for in this Act shall receive for each day's attendance the sum of Seven Dollars (\$7) and shall receive in addition the sum of ten cents (10¢) for each mile traveled by such witness by the usual route going to and returning from the place where his presence is required. All disbursements made in the payment of such fees shall be included in and paid in the same manner as is provided for the payment of other expenses incident to the administration and enforcement of this Act, as hereinbefore provided. The fee for serving the subpoena shall be the same as that paid the sheriff for similar services. The fees, expenses, and costs incurred at or in connection with any hearing may be imposed by the Commission upon any party to the record or may be divided between any and all parties to the record in such proportions as the Commission may determine.

"Section 21. Judicial Review.

"(a) Any Real Estate Broker, or Real Estate Salesman aggrieved by any decision of the Commission may file within thirty (30) days thereafter in the District Court of the county in which he resides, or in the District Court in the county where his principal place of business is situated, a petition against the Commission officially as defendant, alleging therein in brief detail the action and decision complained of and for an order directing the Commission to license or reinstate the applicant. Upon service of the summons upon the Commission, returnable within ten (10) days from its date, the Commission shall on or before the return day comply or file an answer. The case shall be tried in the District Court de novo, upon its merits, and it shall

take a preponderance of the evidence offered before said District Court for the court to enter a judgment. The substantial evidence rule shall not be used, and the right of trial by jury shall be had in all cases when called for.

"(b) The District Court may, upon application of either party and upon due notice given, advance the case on the docket. From the decision of the District Court, an appeal may be taken to the Court of Civil Appeals by either party, as in other cases, and no bond shall be required of the Commission. A judgment in favor of the defendant shall not bar after one year a new application by the plaintiff for a license, nor shall a judgment in favor of the plaintiff prevent the Commission from thereafter revoking or refusing the license of such person for any proper cause which may thereafter accrue or be discovered. The Court shall have full power to dispose of all costs.

"Section 22. License Fees.

"The Commission shall charge and collect the following fees and shall duly pay all fees received into the State Treasury.

"(a) A fee not to exceed Twenty-five Dollars (\$25) for the filing of any original or renewal application of a Real Estate Broker, which fee shall include the cost of the issuance of a license if any should be issued. When a license is not issued through no fault of applicant, the filing fee shall be refunded.

"(b) A fee not to exceed Ten Dollars (\$10) for the filing of any original or renewal application of a Real Estate Salesman, which fee shall include the cost of the issuance of the license if any should be issued; where license is not issued through no fault of the applicant, the filing fee shall be refunded.

"(c) A fee of Two Dollars (\$2) for each duplicate license where the original license is lost or destroyed and an affidavit of such loss is made and filed, or where a duplicate is required for a branch office in this State.

"(d) A fee of Two Dollars (\$2) for each duplicate new license upon transfer of Salesman's license.

"The fees to be paid under paragraphs (2) and (b) of this Section shall be as fixed by the Commission, within the limits prescribed, at least three (3) months prior to December 1st of any year and shall continue to be effective until changed at least

three (3) months prior to December 1st of any succeeding year. The fees so fixed shall apply to licenses effective after January 1st following the date the Commission prescribes such fees. Until such fees are so fixed, the rates existing on the effective date of this amendment shall prevail.

"Section 23. Expiration and Renewal.

"All licenses issued under the provisions of this Act shall expire on December 31st of the year for which it is issued, at midnight, and application for the renewal thereof shall be made in such form as the Commission shall prescribe. Applications for renewal of said licenses may be made between the 1st day of October and the 31st day of December.

"Section 24. Custody and Disposition of Funds.

"Upon and after the effective date of this Act, all moneys derived from fees, assessments, or charges under this Act, shall be paid by the Commission into the State Treasury for safekeeping, and shall by the State Treasurer be placed in a separate fund to be available for the use of the Commission in the administration of the Act upon requisition of the Commission. So much of such moneys so paid into the State Treasury as is necessary is hereby specifically appropriated to the Commission for the purpose of paying the salaries and expenses of all persons employed or appointed as provided herein for the administration of this Act, and all other expenses necessary and proper for the administration of this Act, including equipment and maintenance of any supplies for such offices or quarters as the Commission may occupy, and necessary traveling expenses for the Commission or persons authorized to act for it when performing duties hereunder at the request of the Commission. At the end of the state fiscal year, any unused portion of said funds in said special account, except such funds as may be appropriated to administer this Act pending receipt of additional revenues available for that purpose, shall be set over and paid into the General Revenue Fund. The Comptroller shall, upon requisition of the Commission, from time to time draw warrants upon the State Treasurer for the amounts specified in such requisition, not exceeding, however, the amount in such fund at the time of making any requisition; provided, however,

that all moneys expended in the administration of this Act shall be specified and determined by itemized appropriation in the General Departmental Appropriation Bill for the Texas Real Estate Commission, and not otherwise.

"Section 25. Admissibility of Certified Documents in Evidence.

"Copies of all papers, instruments, or documents filed in the office of the Commission certified by the Administrator or the Chairman of the Commission under the Seal of the State of Texas, shall be admitted to be read in evidence in all courts of law and elsewhere in this State in cases where the original would be admitted in evidence; provided that the court may, for cause shown, require the production of the originals. In any prosecution, action, suit or proceeding before any of the several courts of this State, based upon or arising out of or under the provisions of this Act, a certificate under the Seal of the State duly signed by the Commission showing compliance or noncompliance with the provisions of this Act by any Real Estate Broker or Salesman shall be admissible in evidence in any action at law or in equity to enforce the provisions of this Act.

"Section 26. Unlawful Commission.

"It shall be unlawful for any Real Estate Broker or Real Estate Salesman to offer, promise, allow, give, pay or rebate, directly or indirectly, any part or share of his commission or compensation arising or accruing from any real estate transaction, to any person who is not licensed in this or another state as a Broker or Salesman, in consideration of service as a Real Estate Broker or Salesman performed or to be performed by such unlicensed person, and no Real Estate Salesman shall be employed by or accept compensation from any person other than the Broker under whom he is at the time licensed; and it shall be unlawful for any licensed Real Estate Salesman to pay a commission to any person except through the Broker under whom he is at the time licensed.

"Section 27. Offense Defined and Injunction Authorized.

"(a) Any person who knowingly authorizes, directs, or aids in the publication, advertisement, distribution, or circulation of any false statement or representation concerning any land or subdivision offered for sale or lease, and every person who, with knowledge that any advertise-

ment, pamphlet, prospectus, or letter concerning any land or subdivision contains any written statement that is false or fraudulent, issues, circulates, publishes, or distributes the same, or who shall cause the same to be issued, circulated, published, or distributed, or who, while acting as a Real Estate Broker or Salesman, commingles any funds deposited with him in escrow or in trust or who deposits such funds in any bank in any account which contains funds other than those so deposited with him in escrow or in trust, and any person who, in any respect, wilfully violates or fails to comply with any provisions of this Act, or who in any respect wilfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand, or requirement of the Commission authorized by this Act shall be guilty of a misdemeanor and upon conviction therefor be sentenced to pay a fine of not more than Five Hundred Dollars (\$500), or to imprisonment in the county jail for not more than one (1) year, or to both such fine and imprisonment.

"(b) Whenever in the judgment of the Commission any person has engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of any provision of this Act, the County Attorney or District Attorney, in the county wherein such violation has occurred or is about to occur, or in the county of the defendant's residence, or the Attorney General, may maintain an action in the name of the State of Texas in the District Court of such county to abate and temporarily and permanently enjoin such acts and practices and to enforce compliance with this Act. The plaintiff shall not be required to give any bond nor shall any court costs be adjudged against the plaintiff.

"Section 28. Contract for Commissions.

"No action shall be brought in any court in this State for the recovery of any commission for the sale or purchase of real estate unless the promise or agreement upon which action shall be brought, or some memorandum thereof, shall be in writing and signed by the party to be charged therewith or by some person by him thereunder lawfully authorized.

"At the time of the execution of any contract of sale of any real estate in this State, the real estate salesman, real estate broker, real estate agent or realtor shall advise

the purchaser or purchasers, in writing, that such purchaser or purchasers, should have the abstract covering the real estate which is the subject of the contract examined by an attorney of the purchaser's own selection, or that such purchaser or purchasers should be furnished with or obtain a policy of title insurance; and, provided further, that failure to so advise as hereinabove set out shall preclude the payment of or recovery of any commission agreed to be paid on such sale."

Section 2. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid for any reason.

Section 3. The importance of this legislation and the inadequacy of the law hereby amended to protect the public from fraud, misrepresentation, and imposition by brokers in real estate creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three (3) separate days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was read.

Senator Hardeman offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to S. B. 209, Section 1, page 19, of the printed substitute by adding a new paragraph between lines 8 and 9 to read as follows:

"(g) No license shall ever be denied because such applicant or licensee may not devote full time to the real estate business."

The amendment to the committee amendment was adopted.

Senator Martin offered the following amendment to the committee amendment:

Amend committee amendment to S.

B. 209 by striking the figure \$25 on page 24, line 50, and substituting in lieu thereof the figure \$10.00.

The amendment was read.

Senator Fly moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—11

Corbin	Owen
Fly	Parkhouse
Kelley	Rogers
Lane	of Childress
Latimer	Shireman
Lock	Strauss

Nays—17

Aikin	Moore
Ashley	Phillips
Bracewell	Ratliff
Colson	Roberts
Hardeman	Secrest
Hazlewood	Wagonseiler
Kazen	Weinert
Martin	Willis
Moffett	

Absent

Rogers of Travis

Absent—Excused

Fuller

McDonald

Question recurring on the amendment by Senator Martin, the amendment was adopted.

Senator Owen offered the following amendment to the committee amendment:

Amend committee amendment to S. B. 209, Sec. 7 (a), by inserting between the "comma" after the word age and the word "an" in line 27, the following:

"or shall have had his disabilities of minority removed as provided by law,"

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

On motion of Senator Fly and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Record of Vote

Senator Martin asked to be recorded as voting "nay" on the passage of S. B. No. 209 to engrossment.

Senate Bill 209 on Third Reading

Senator Fly moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 209 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Moffett	Willis

Nays—4

Hardeman	Phillips
Martin	Weinert

Absent—Excused

Fuller	McDonald
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Owen
Bracewell	Parkhouse
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Moffett	Willis
Moore	

Nays—5

Ashley	Phillips
Hardeman	Weinert
Martin	

Absent—Excused

Fuller	McDonald
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Senate Resolution 213

Senator Latimer offered the following resolution:

Whereas, We are honored today to have in the gallery the Civics and American History Classes of the South San Antonio High School of San Antonio, Texas, accompanied by their principal, Mr. Cecil W. Williams, and their teacher, Mr. Warren Uecker; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Latimer, by unanimous consent, presented the students and Mr. Williams and Mr. Uecker to the Members of the Senate.

Bills Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills:

S. B. No. 212, A bill to be entitled "An Act to carry into effect Section 63 of Article XVI of the Constitution of Texas, to provide for credit to members of either the Teacher Retirement System or the Employees Retirement System of Texas for service rendered as either a teacher or person employed in the public schools, colleges, or universities of the State, or as an appointive officer or employee of the State, for retirement benefits under both of said Systems, and declaring an emergency."

S. B. No. 74, A bill to be entitled "An Act amending Article 1404b of the Penal Code of the State of Texas, 1925, as added by Chapter 273, Acts

of the 52nd Legislature, by further defining the offense of breaking into a vehicle or entering a vehicle for the purpose of committing a felony or misdemeanor; and declaring an emergency."

S. B. No. 43, A bill to be entitled "An Act to amend Section 1 of Chapter 16, Acts of the First Called Session of the Thirty-ninth Legislature, 1926, as amended by Section 1 of Chapter 116, Acts of the 48th Legislature, 1943, and declaring an emergency."

S. B. No. 188, A bill to be entitled "An Act validating, ratifying and confirming bonds for construction of an auditorium and necessary equipment and facilities, including parking facilities and necessary equipment heretofore authorized and any and all acts and proceedings in connection with authorizing such bonds by any incorporated city, including Home-Rule cities and validating, ratifying and confirming the pledging the revenues of the auditorium, coliseum, and the facilities and parking facilities in connection with both, including future extensions, additions, replacements and improvements to both and further pledging other revenues to be derived from parking meters and certain swimming pools in the city, and providing for the payment of such bonds and interest thereon, and providing that this Act shall not apply in certain instances, and providing this Act to take precedence over other laws or parts thereof in conflict herewith, and providing a saving clause, and declaring an emergency."

S. B. No. 245, A bill to be entitled "An Act to regulate the display of the Texas flag so as to forbid the use of any flag other than that of the United States in a position superior to that of the Texas flag at any place within the boundaries of the State of Texas; and declaring an emergency."

S. B. No. 296, A bill to be entitled "An Act authorizing sale of two hangars at Vernon State Home; stating the consideration; appropriating the proceeds; and declaring an emergency."

S. B. No. 213, A bill to be entitled "An Act to amend Art. 5.13 (Subchapter B, Chapter 5), of Chapter 491, Acts, 1951, 52nd Legislature, by exempting professional liability insurance from the operation of the

single rating law; containing a severability clause; and declaring an emergency."

S. B. No. 203, A bill to be entitled "An Act transferring administrative responsibility for the Judicial Retirement System of Texas to the State Board of Trustees for the Employees Retirement System; making a \$2 per year assessment on members of the Judicial Retirement System to meet administrative costs; and declaring an emergency."

S. B. No. 187, A bill to be entitled "An Act to exempt from existing statutes regulating the length of motor vehicles which may be operated in this state, such vehicles or combinations of vehicles used exclusively to transport poles, piling or unrefined timber from the point of origin of such timber to a wood processing mill not more than seventy-five (75) miles distant; imposing conditions governing such vehicles; and declaring an emergency."

S. B. No. 141, A bill to be entitled "An Act creating Road District No. 31 of Brazoria County, Texas, under authority of Sec. 52, Article 3, Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof; making it a body corporate and taxing district; describing the boundaries of said district and including provisions relating thereto; granting said district the authority to issue bonds and containing provisions relating to said bonds and the issuance thereof; providing that the fact that said district may overlap other road districts shall not affect said district or the powers granted by this Act; providing for the assumption of bonds of road districts included within said district; containing provisions with respect to abolishing road districts included within said district; providing that proceeds of bonds issued by said district may under certain conditions be used within the limits of incorporated cities and towns included within said district; providing a severability clause; and declaring an emergency."

S. B. No. 63, A bill to be entitled "An Act to amend Article 306, Revised Civil Statutes, State of Texas, revision of 1925, providing standards of approval for law schools in Texas;

approving existing law schools; prohibiting delegation of authority granted the Supreme Court; and declaring an emergency."

(Senator Weinert in the Chair.)

**Committee Substitute Senate Bill 154
on Second Reading**

On motion of Senator Shireman, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 154, A bill to be entitled "An Act amending Article 135b-1 of the Revised Civil Statutes of Texas to prevent fraud in the sale of agricultural insecticides and fungicides; providing for analysis by an approved commercial laboratory or the State Chemist; providing for a registration fee; providing for an appropriation; providing a saving clause; and declaring an emergency."

The bill was read second time.

Senator Bracewell offered the following amendment to the bill:

Amend committee substitute for S. B. No. 154 by adding after the word "fungicide" in line 50 of page 2 of the printed bill, the following:

"for the first ten registered, and Two Dollars (\$2.00) for registration fees of each agricultural insecticide or fungicide registered in excess of ten";

On motion of Senator Shireman, the amendment was tabled by the following vote:

Yeas—18

Ashley	Phillips
Colson	Roberts
Corbin	Rogers
Hazlewood	of Childress
Lane	Secrest
Lock	Shireman
Moffett	Strauss
Moore	Wagonseller
Owen	Willis
Parkhouse	

Nays—10

Aikin	Latimer
Bracewell	Martin
Hardeman	Ratliff
Kazen	Rogers of Travis
Kelley	Weinert

Absent

Fly

Absent—Excused

Fuller

McDonald

Senator Latimer offered the following amendment to the bill:

Amend committee substitute for Senate Bill 154 to show "all insecticides or fungicides" wherever agricultural insecticide or fungicide may appear.

The amendment was read.

(President in the Chair.)

Senator Moffett raised the point of order that the amendment offered by Senator Latimer was not germane to the subject of the bill as expressed in the caption thereof.

The President overruled the point of order.

On motion of Senator Shireman, the amendment was tabled.

Senator Martin offered the following amendment to the bill:

Amend committee substitute for S. B. 154 by adding a new sentence at the end of Section 3, to read as follows:

"After September 1, 1955, the expenditures shall be as provided in the general appropriation act."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend C. S. for S. B. 154, page 2 of the printed substitute, Sec. 2 by changing the "period" following the word "statement" in line 5 to a "comma" and add the following:

"whereupon, the Commissioner shall issue and enforce a written 'Stop Sale' order to the owner, custodian or manufacturer on such examined and analyzed lot or lots of insecticides or fungicides shown to be misbranded or adulterated"

And by striking out all the sentence on lines 5, 6, 7, 8, 9 and 10 beginning with the words "The Commissioner" and ending with the word "fungicides."

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend Committee Substitute for S. B. 154 by adding after the word "fungicide" in line 50 of page 2 of the printed bill the following:

"for the first twenty-five registered, and Two Dollars (\$2.00) for registration fees of each agricultural insecticide or fungicide registered in excess of ten;"

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend Committee Substitute for S. B. 154 by adding a new section after Section 8 to be numbered Section 9a and to read as follows:

"9A. Every firm, corporation, partnership, association, or person engaged in the business of sale of insecticides by means of contract application or sale of insecticides as an incident to application shall comply with the terms of this Act, except, however, any such firm, corporation, partnership, association, or person so engaged shall be deemed to have complied if the insecticide used has been previously registered."

The amendment was adopted.

On motion of Senator Shireman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Committee Substitute Senate Bill 154 on Third Reading

Senator Shireman moved that Senate Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 154 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Latimer
Colson	Lock
Corbin	Martin
Fly	Moffett
Hardeman	Moore
Hazlewood	Owen
Kazen	Parkhouse
Kelley	Ratliff

Roberts	Shireman
Rogers	Strauss
of Childress	Wagonseller
Rogers of Travis	Weinert
Secrest	Willis

Absent

Bracewell	Phillips
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Absent—Excused

Fuller	McDonald
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Owen
Ashley	Parkhouse
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Moffett	Weinert
Moore	Willis

Nays—2

Hardeman	Martin
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Absent

Bracewell	Phillips
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Absent—Excused

Fuller	McDonald
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Senate Resolution 214

Senator Willis offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate S. D. Harris, Bob May and Sam Sankary; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and the privileges of the Senate floor.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented the guests to the Members of the Senate.

Senate Concurrent Resolution 36 on Second Reading

On motion of Senator Rogers of Childress and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 36, Granting Darrel Harkins permission to sue the State of Texas.

The resolution was read the second time and was adopted by the following vote:

Yeas—28

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
Moffett	

Absent

Phillips

Absent—Excused

Fuller

McDonald

Presentation of Guests

Senator Roberts by unanimous consent presented Mr. Theron Conner, Mr. M. L. Vest and Mr. B. D. Bible of Denison to the Members of the Senate.

Report of Standing Committee

Senator Fly by unanimous consent submitted the following report:

Austin, Texas,
April 11, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 346, have had the same under consideration, and we are instructed to report it back to

the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 11, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 77, A bill to be entitled "An Act to amend Article 6674-n, Revised Civil Statutes of Texas, of 1925, as amended by Chapter 207, Senate Bill No. 531, passed at the Regular Session, Forty-third Legislature, General Laws, Page 622; as amended by Chapter 199, House Bill No. 439, passed at the Regular Session, Forty-fourth Legislature, General Laws, Page 485; conferring upon the State Highway Commission the right of eminent domain acting by and through the Attorney General of the State of Texas, to condemn land for right of way in connection with the construction of a designated State Highway; providing for filing of suits by the State Highway Commission, acting by and through the Attorney General of the State of Texas, in Travis County for the purpose of securing such right of way; providing for following same procedure in Travis County as set out in Title 52, Articles 3264 to 3271, inclusive, Revised Civil Statutes of Texas, of 1925; authorizing the Commissioners Court of any county to purchase or condemn on behalf of the State of Texas, any land for road, right of way purposes, timber, earth, stone, gravel or other material, necessary or convenient to any road to be constructed, reconstructed, maintained, widened, straightened, or lengthened, or land not exceeding one hundred (100) feet in width for stream bed diversion in connection with the locating, relocating or construction of a designated State Highway, including land or any of the above materials that lie either partially or wholly within a municipality; limiting the right of the State Highway Commission to condemn such right of way to cases where the Commissioners Court has failed or refused to acquire such right of way by purchase or condemnation; repealing all laws or parts of laws in conflict here-

with; providing that should any part of this Act be held to be unconstitutional or void same shall not affect the remainder hereof; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

**Committee Substitute Senate Bill 48
on Second Reading**

On motion of Senator Willis, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 48, A bill to be entitled "An Act amending Section 2 of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as amended (codified as Article 6675a-2 in Vernon's Civil Statutes), so as to exempt from registration vehicles which are designed and used exclusively for fire-fighting; and declaring an emergency."

The bill was read second time.

Senator Strauss offered the following amendment to the bill:

Amend S. B. No. 48, Section 1, Subsection (c), line 3 of the printed bill by inserting the words "private schools" after the words "United States Government."

Senator Willis moved to table the amendment.

Question—Shall the amendment by Senator Strauss to C. S. S. B. No. 48 be tabled?

Message from the Governor

The following message from the Governor received today was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 7, 1955.

To the Senate of the Fifty-fourth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Directors, Lower Colorado River Au-

thority for terms to expire January 1, 1961: J. C. Lewis of Bay City, Matagorda County; Clay Kuykendall of San Saba, San Saba County; Douglas R. Johnson of Smithville, Bastrop County; Morris Hodges of Columbus, Colorado County.

To be Members of the Fannin State Park Commission: For term to expire September 5, 1959, Mrs. Hatty Swickheimer of Goliad, Goliad County; for term to expire September 5, 1957, Walter Bluntzer of Goliad, Goliad County; for term to expire September 5, 1955, Mrs. Louise Donoghue of Goliad, Goliad County.

To be a Member of the Board of Mansion Supervisors for term to expire January 1, 1960: Mrs. Edgar Tobin of San Antonio, Bexar County.

To be Members of the Board of Directors, Brazos River Authority, for terms to expire February 1, 1961: Herbert Hilburn of Plainview, Hale County; Oxsheer Smith of Cameron, Milam County; Graham Stewart of Graham, Young County; Walter Humphrey of Fort Worth, Tarrant County; Harry Moore of Navasota, Grimes County; M. M. Galloway of West Columbia, Brazoria County; Guy Crouch of Alvin, Brazoria County.

To be a Member of the State Parks Board to fill the unexpired term of L. A. Nordan, resigned, term to expire May 15, 1957: Andrew Howsley of Albany, Shackelford County.

To be Members of the Board of Regents, State Teachers Colleges, for terms to expire January 10, 1961: H. L. Mills of Houston, Harris County; Henry Sears of Hereford, Deaf Smith County; Miss Elizabeth Koch of San Antonio, Bexar County.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

Notice of Executive Session

Senator Aikin gave notice that he would on tomorrow, April 12, 1955, call an Executive Session for consideration of Nominations of the Governor.

Adjournment

Senator Weinert moved that the Senate stand adjourned until 10:30 o'clock a. m. tomorrow.

Senator Rogers of Travis moved that the Senate stand adjourned until 11:00 o'clock a. m. tomorrow.

Question first on the motion to adjourn until 11:00 o'clock a. m. tomorrow, the motion prevailed.

Accordingly, the Senate at 4:41 o'clock p. m. adjourned until 11:00 o'clock a. m. tomorrow.

Record of Vote

Senator Colson asked to be recorded as voting 'nay' on the motion to adjourn.

FORTY-SIXTH DAY

(Tuesday, April 12, 1955)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, our Father, as Thou didst still the Galilean storm, so calm all our fears; and out of the storms of confusion, contradictions, and criticism that lash our lives, make Thy face to shine upon us and may we hear Thy voice above the tumult saying, 'Peace, be still.' For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

House Bills on First Reading

The following bills received from the House were read first time and referred to the committees indicated:

H. B. No. 568, To the Committee on Counties and County Boundaries.

H. B. No. 873, To the Committee on Game and Fish.

H. B. No. 872, To the Committee on Game and Fish.

H. B. No. 867, To the Committee on Criminal Jurisprudence.

H. B. No. 866, To the Committee on Stock and Stock Raising.

H. B. No. 861, To the Committee on Counties and County Boundaries.

H. B. No. 859, To the Committee on Game and Fish.

H. B. No. 856, To the Committee on State Affairs.

H. B. No. 855, To the Committee on State Affairs.

H. B. No. 850, To the Committee on Counties and County Boundaries.

H. B. No. 832, To the Committee on Privileges and Elections.

H. B. No. 814, To the Committee on Banking.

H. B. No. 785, To the Committee on Game and Fish.

H. B. No. 782, To the Committee on State Affairs.

H. B. No. 768, To the Committee on Judicial Districts.

H. B. No. 758, To the Committee on State Affairs.

H. B. No. 757, To the Committee on Game and Fish.

H. B. No. 734, To the Committee on Educational Affairs.

H. B. No. 725, To the Committee on State Affairs.

H. B. No. 723, To the Committee on Game and Fish.

H. B. No. 542, To the Committee on Criminal Jurisprudence.